

EXPRESS MAIL CERTIFICATE

Date 10/28/02 Label EV 208553677US

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

X. DiLullo X. DiLullo
Name (Print) Signature

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Customer No.:



Patent Trademark Office

Docket No: 0952/1J499US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hazel et al.

Serial No.: 10/081,735

Art Unit: 1713

Confirmation No.: 2926

Filed: February 22, 2002

Examiner:

For: **FUEL COMPOSITIONS**

PETITION UNDER 37 CFR § 1.47(b)

Hon. Assistant Commissioner of
Patents
Washington, DC 20231

October 25, 2002

Sir:

On March 27, 2002, the USPTO mailed applicant's counsel a Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR § 1.53(b). Such notice calls for an oath or declaration and has a final due date of October 27, 2002. It is for this reason that the present petition under 37 CFR § 1.47(b)

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accompanies applicants' Completion of Application, which includes a copy of such notice.

Applicants hereby respectfully petition the Commissioner under 37 CFR §1.47(b) to accept the enclosed declaration and power of attorney in satisfaction of the requirement under 37 CFR § 1.53(b) and in view of the fee payment and supporting documentation submitted herewith, which are more particularly identified as follows:

1. Declaration of Steven Phillips Gilholm in support of petition under 37 CFR §1.47(b) and establishing refusal of inventors to sign declaration and power of attorney, including Exhibits A-E.
2. Declaration of Alan Rae in support of petition under 37 CFR § 1.47(b) and establishing proprietary interest by person signing on behalf of nonsigning inventor, including one exhibit.
3. Declaration and power of attorney signed by Alan Rae on behalf of AAE Technologies International plc, the parent of AAE Holdings plc.
4. Petition fee (\$130.00) under 37 CFR §1.17(h)

REMARKS

Applicants respectfully request consideration and grant of this petition under 37 CFR § 1.47(b) on the basis of the following:

The text of 37 CFR § 1.47(b) is as follows:

Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent

The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in § 1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.

The attached declaration of Steven Philip Gilholm, and the exhibits it provides in support of this petition, clearly demonstrate the refusal of the inventors in this case, Hazel and Williamson, to sign copies of a declaration and power of attorney - - - included with copies of the entire subject patent application, i.e., specification, claims, and drawings - - - that were actually physically delivered to each of them at their respective last known addresses - - - receipt of which on September 17, 2002 each of them acknowledged in writing to the UK postal service.

That the inventors have not signed such declaration and power of attorney just when the subject patent application is threatened with abandonment by a pending notice of missing parts having a final due date of October 27, 2002 clearly constitutes "a showing that such action (under 37 CFR §1.47(b) is necessary to preserve the rights to the parties or prevent irreparable damage . . .".

The attached declaration of AAE Technologies International plc by Alan Rae, its chief operating officer, next demonstrates the existence of a "person to whom the inventor has assigned or agreed in writing to assign the invention. . . ." and that person's urgent action to assure the preservation of the rights of the parties and the prevention of such irreparable damage.

Applicants respectfully request favorable acceptance of the petition under 37 CFR § 1.47(b). Applicants believe that they have complied with all its provisions; however, if the Examiner believes additional information is necessary or

requires further clarification, the Examiner should contact the undersigned.

Respectfully submitted,



Edward J. Ellis
Reg. No. 40,389
Attorney for Applicants

Date: October 25, 2002

DARBY & DARBY, P.C.
805 Third Avenue
New York, N.Y. 10022
Phone (212) 527-7700



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Name (Print)

S. Gilholm

Signature

S. Gilholm

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Customer No:



07278

PATENT TRADEMARK OFFICE

0952/1J499US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Clifford James HAZEL; Ian Vernon WILLIAMSON

Serial No.: 10/081,735

Art Unit:

Confirmation No.: 8234

Filed: February 22, 2001

Examiner:

For: FUEL COMPOSITION

**DECLARATION OF STEPHEN P. GILHOLM IN SUPPORT OF
PETITION UNDER 37 C.F.R. § 1.47**

October 24, 2002

Hon. Commissioner of
Patent and Trademarks
Washington, DC 20231

Sir:

I, Stephen Philip Gilholm, declare:

1. On or about September 17, 2002, I prepared, ribboned together and sent or had sent two letters dated September 17, 2002 along with attachments (duplicate copies of which are attached hereto as Exhibit A) to the last known

addresses of the two inventors named above.

2. Each of the attached September 17, 2002 letters and attachments was sent "Special Delivery" in which the UK postal service tracks the package from each post office to which it travels and obtains a signature on delivery as demonstrated by the attached copies of the respective mailing certificates (Exhibit B for the September 17, 2002 letter and attachments to Mr. Williamson and Exhibit C for the September 17, 2002 letter and attachments to Mr. Hazel).

3. A return receipt signed by Mr. Williamson indicating receipt of the September 17, 2002 letter and attachments is attached hereto as Exhibit D.

4. A return receipt signed by Mr. Hazel indicating receipt of the September 17, 2002 letter and attachments is attached hereto as Exhibit E.

5. Each of the September 17, 2002 letters and attachments (Exhibit A) sent to the two inventors consisted of "a copy of the entire (above-identified) application, including the specification, claims and drawings, along with the oath and declaration..." in full compliance with 37 C.F.R. §1.47(b) (See Exhibit A).

6. I have been a patent attorney licensed to practice in the U.K. for thirteen years and have been associated with, or a member of, the firm of Harrison Goddard Foote, 31 St. Saviourgate, York YO1 8NQ, United Kingdom for four years. I am familiar with the above-identified patent application because my firm and I participated in the preparation and filing of the UK application and subsequent International application upon which the present national phase application is based.

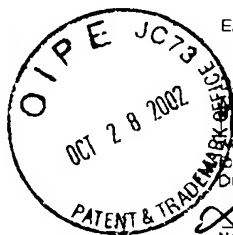
7. I hereby aver that the two above-identified inventors have to date not

signed the letters and attachments I sent them on September 17, 2002.

8. I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, of both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

A handwritten signature in black ink, appearing to read "S.P. Gilholm", is written over a horizontal line.

Stephen P. Gilholm



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Date: 10/28/02 Label: EV 108553677US

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Name (Print): A. DiLuio

Signature: A. DiLuio

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Customer No.: Docket No.: 0952/1J499-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Harrison Goddard FOOTE

Serial No.: 10/081,735

Unit:

Confirmation No.: 2926

Filed: February 22, 2002

Examiner:

For: FUEL COMPOSITIONS

DECLARATION OF ALAN RAE IN SUPPORT OF PETITION UNDER
37 CFR § 1.47(b)

Hon. Commissioner of Patents and Trademarks
October __, 2001
Washington, DC 20231

Sir:

I, Alan Rae, declare:

1. I am the Chief Operating Officer of AAE Technologies International plc, a position I have held since the Company's inception.

The statements made herein are either based on my own knowledge or my

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company's records.

2. AAE Technologies International plc is a public limited company based in the Republic of Ireland and is the parent company of AAE Holdings plc.
3. I make this declaration in support of the accompanying Petition under 37 CR §1.47 and in connection with this application.
4. In 1998, James Clifford Hazel ("Hazel") and Ian Vernon Williamson ("Williamson") conceived an invention which comprised novel fuel compositions comprising particular surfactant compositions.
5. A UK provisional patent application was filed on 15 December 1998, in the joint names of Hazel and Williamson. The application was allocated application number 9827592.8 by the UK Patent Office.
6. On 20 October 1997, an International PCT application was filed in the name of Hazel and Williamson and was identified as application number PCT/GB/99/04155 and later published as WO 00/36055 ("PCT application").
7. On June 15, 2001, the PCT application entered the national phase in the United States of America and was allocated Serial No. 09/868,420 ("USSN 09/868,420").
8. On February 22, 2002, a continuation of USSN 09/868,420 was filed in the USPTO and allocated Serial No. 10/081,735 ("USSN 10/081,735").
9. The Assignment and combined Declaration and Power of Attorney for USSN 10/081,735 were forwarded with our covering letter to Hazel and Williamson by our Attorney Stephen Philip Gilholm in early October 2002.
10. On or about 14 September 1999, Hazel and Williamson signed an agreement with AAE, transferring any rights and agreeing to use their best endeavors in prosecution.
11. Hazel and Williamson are substantial shareholders in AAE both at the time of the agreement to transfer ownership. At today's date, Hazel and Williamson still own over 32% of the business, via trusts.

A handwritten signature in black ink, consisting of a large, stylized 'C' or 'G' shape followed by a horizontal line and a small flourish.

12. In consideration of the transfer of the IPR, AAE undertook to pay £270,000 (approximately \$405,000) of personal debts on behalf of Hazel and Williamson. In addition, Hazel and Williamson were each granted 1,050,000 share options.
13. I am advised that no response has been received from Hazel and Williamson after sending the documents to them.
14. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 25th OCT 2002



ALAN RAE